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FROM charles mirho

DATE 2006-01-27 00:32:30 GMT

RE Application Number: 10/773,764: Attorney  
Docket Number: FSP0042: 2nd Attempt to Make  
Petition Special

### COVER MESSAGE

Attorney Docket Number: FSP0042  
Title: ROTATING BARRIER FOR JET MASSAGE  
Application Number: 10/773,764  
Filing Date: Friday, February 06, 2004  
First Named Inventor: Thomsen, Merlin E.

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

**for**

Attorney Docket Number: FSP0042  
Title: ROTATING BARRIER FOR JET MASSAGE  
Application Number: 10/773,764  
Filing Date: Friday, February 06, 2004  
First Named Inventor: Thomsen, Merlin E.

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I hereby certify that the following is being transmitted via facsimile to telephone number 571-273-8300 on Thursday, January 26, 2006.

Signature: /Jennifer J. Sundquist/  
Jennifer J. Sundquist

**Contents of This Correspondence**

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1 page of Certificate of facsimile  
1 page of Document transmittal  
Petition for expedited examination due to applicant's age for Merlin E. Thomsen

**TRANSMITTAL LETTER**

**for**

Attorney Docket Number: FSP0042  
Title: ROTATING BARRIER FOR JET MASSAGE  
Application Number: 10/773,764  
Filing Date: Friday, February 06, 2004  
First Named Inventor: Thomsen, Merlin E.

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To:  
Mail Stop Petition  
Commissioner for Patents  
P.O Box 1450  
Alexandria, VA, 22313-1450, USA

**Contents of This Correspondence**

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1 page of Certificate of facsimile  
1 page of Document transmittal  
Petition for expedited examination due to applicant's age for Merlin E. Thomsen

Submitted by:

Signature: /Jennifer J. Sundquist/  
Jennifer J. Sundquist

on Thursday, January 26, 2006.

**PETITION TO MAKE SPECIAL**

for

Attorney Docket Number: FSP0042  
Title: ROTATING BARRIER FOR JET MASSAGE  
Application Number: 10/773,764  
Filing Date: Friday, February 06, 2004  
First Named Inventor: Thomsen, Merlin E.

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The Applicant requests an explanation of why the previous Petition to Make Special, mailed on April 4, 2005 and entered into the record soon thereafter, has neither been acknowledged nor acted upon by the Patent Office. In light of this delay, Patent Office is urged to immediately accept this petition and to take up this application for expedited examination out of turn.

This is a second request under the provisions of MPEP 708.02 to make the above-referenced utility patent application special for expedited examination out of turn, due to the applicant's age.

No fee is required for this petition (see 37 CFR 1.102(c)).

An application may be made special upon filing a petition including any evidence showing that the applicant is 65 years of age, or more, such as a birth certificate or applicant's statement. No fee is required with such a petition. See 37 CFR 1.102(c).

**Statement of Applicant's Age**

The applicant, Merlin E Thomsen, is 65 years of age, or more.

Statement made and submitted by:

Signature /Charles A. Mirho/  
Charles A. Mirho  
Reg. 41,199  
Attorney for Applicant

Date: Thursday, January 26, 2006

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